

City Council Introduction: **Monday**, February 12, 2001
Public Hearing: **Monday**, February 26, 2001, at **5:30 p.m.**

Bill No. 01-25

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3272**, from AG Agricultural to R-3 Residential, requested by Hartland Homes, Inc. and Hampton Enterprises, on property located approximately 630 feet north of Old Cheney Road and west of 84th Street.

STAFF RECOMMENDATION: Approval

ASSOCIATED REQUESTS: Change of Zone No. 3288 (01-26); Special Permit No. 1313A (01R-41); Special Permit No. 1876 (01R-42); and Preliminary Plat No. 00021, Hartland Homes East 1st Addition (01R-43).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 10/18/00
Administrative Action: 10/18/00

RECOMMENDATION: Approval (9-0: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer voting 'yes').

FINDINGS OF FACT:

1. This change of zone is associated with Change of Zone No. 3288 (text amendment), Special Permit No. 1313A, Special Permit No. 1876 and Preliminary Plat No. 00021, Hartland Homes East 1st Addition.
2. The Planning staff recommendation to approve this change of zone request is based upon the "Analysis" as set forth on p.3-4.
3. The applicant's testimony is found on p.5.
4. There was no testimony in opposition.
5. On October 18, 2000, the Planning Commission voted 9-0 to agree with the staff recommendation of approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: February 5, 2001

REVIEWED BY: _____

DATE: February 5, 2001

REFERENCE NUMBER: FS\CC\FSCZ3272

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.#: Preliminary Plat #00021
Change of Zone #3272
Hartland Homes East 1st Addition

Date: October 10, 2000

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: Preliminary Plat of 136 lots and one outlot with waivers of block length, lot depth abutting a major street and street approach platforms at approximately 82nd and Old Cheney Road.

Change of Zone #3272 from AG Agricultural to R-3 Residential approximately 630 feet north of Old Cheney Road and west of 84th Street.

GENERAL INFORMATION:

OWNERS:	Hartland Homes, Inc. P. O. Box 22787 Lincoln, NE 68522	Hampton Enterprises 1660 S. 70 th Street, Suite 203 Lincoln, NE 68506
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DEVELOPER: Hartland Homes Inc.

LOCATION: Generally west of 84th Street and north of Old Cheney Road.

LEGAL DESCRIPTION: Lots 42, 43, 64, 65, 67, 83 and 108 Irregular Tracts in the southeast quarter of Section 10, Township 9 North, Range 7 East of the 6th P. M., Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: R-3 Residential and AG Agricultural

SIZE: Preliminary Plat 70.5 acres more or less
Change of Zone

EXISTING LAND USE: Mostly undeveloped land with three single family homes and an area for the temporary storage of construction equipment.

SURROUNDING LAND USE AND ZONING: To the north, east and west the zoning is R-3 Residential and is in the process of developing with a mix of single family and single family attached homes . To the south is Lincoln Christian School which is also zoned R-3 Residential.

COMPREHENSIVE PLAN SPECIFICATIONS: The 1994 Lincoln/ Lancaster County Comprehensive Plan designates this area as Urban Residential with an area along Antelope Creek designated as Parks and Open Space. The property at Glynoaks Drive and S. 84th Street, which will remain an outlot in the proposed plat, is designated as an Urban Village in the Plan.

HISTORY:

The property was converted from A-1 Single Family Dwelling and A-A Rural and Public Use to R-3 Residential and AG Agricultural in the 1979 zoning update.

On **March 27, 1989**, City Council approved Special Permit #1313 on a portion of the property; this permit allowed the temporary storage of construction equipment.

On **July 15, 1996**, City Council approved Change of Zone #2991, which changed the zoning on a portion of the property from AG Agricultural to R-3 Residential.

The property is currently within the Corporate Limits of Lincoln. Portions were annexed in 1996, 1998 and 1999.

ASSOCIATED REQUESTS: Special Permit #1313 A Change of Zone #3288 and Special Permit #1876 for a child care facility. (Special Permit #1876 is also on the October 18th Planning Commission agenda, the other two items are scheduled for the November 1st meeting.)

ANALYSIS:

1. All of the proposed residential lots are shown by the applicant to be outside of the floodplain. However, the developer will need to address the impact of the proposed road crossing in the area of the preliminary plat. The Public Works and Utilities Department has the following comments on the floodplain impact of this proposal:

“No calculations have been submitted for the changes shown to the Antelope Creek Flood Plain and flood way. The Glynoaks Drive crossing of Antelope Creek will raise both the flood plain and flood way with the structures shown. Until a complete application including these calculations is submitted, this plat should not be forwarded to the Planning Commission. Major revisions to the plat may be required because of the flood plain/flood way requirements.”
2. The Public Works and Utilities Department has the following comments on the provision of streets to the adjacent property at the corner of 84th and Old Cheney Road:

“No access has been provided from the proposed street system in this plat to the property outside this plat at the corner of 84th and Old Cheney. This corner property needs access per the subdivision ordinance. No additional street intersections with either 84th or Old Cheney will be allowed with development of the corner property.”
3. The property on the corner was proposed for a change of zone from AG to B-2 Planned Neighborhood Business. It was approved by the City Council on a 4-3 vote, but then was vetoed by the Mayor. As of this date, the item is on pending before the City Council.
4. Regardless of the change of zone, access should be provided to the adjacent property. Section 26.23.030 of the subdivision ordinance requires that “proper projection of streets from the subdivision into adjacent land” shall be made by the applicant. Public Works notes that the adjacent property on the corner will not have an additional street intersection with Old Cheney Road or South 84th Street. By not providing for a street to this lot, additional access points to the arterial streets would have to be granted too near to the intersection to meet standards. This could potentially impact the safety and traffic capacity of both arterial streets.
5. The applicant has two lots that abut Old Cheney Road. Typically residential lots have their backyard to the arterial streets. Section 26.23.140 (a) requires that when lots are “abutting major streets” they must have 120 feet of lot depth. The proposed lots do not have back yards to the major street. The applicant has widened these lots by 20 feet in order to provide more distance from the arterial.

However, their depth is only 100 feet. The applicant has requested a waiver of the lot depth. This waiver is suitable, since the applicant has provided additional lot width rather than lot depth.

6. The applicant is proposing to develop Glynoaks Drive on the north edge of the plat as a wider street to collector street standards with 39 feet of concrete width in 72 feet of right-of-way. Glynoaks will function as a collector street with 72 feet of right-of-way from 70th to 84th Street.
7. The proposed width of the collector street meets the standards of the subdivision ordinance. However, in past discussions with the Police Department, they noted problems with speeding on streets with extra width. This street leads to Maxey Elementary School and will pass a neighborhood park. The applicant should consider possible changes to the preliminary plat in order to slow traffic speeds on this collector street.
8. The applicant is providing a 14 foot wide trail easement. The subdivision ordinance requirement is 14 feet for trail easements. In recent years the Parks and Recreation Department has requested 20 foot trail easements to accommodate a 10 foot wide trail and 5 feet of clear space on either side. However, the subdivision requirement is only 14 feet at this time. The applicant should consider providing a 20 foot wide easement in order to facilitate better use of the trail.

CONCLUSION:

The waiver of lot depth is appropriate given the circumstances and that the applicant widened the lots adjacent to the arterial street. The waiver of subdivision ordinance to eliminate the street connection to the adjacent property should be denied. As Public Works notes, "this corner property needs access per the subdivision ordinance. No additional street intersections with either 84th or Old Cheney will be allowed with development of the corner property."

The property on the corner was proposed for a change of zone from AG to B-2 Planned Neighborhood Business. Regardless of the outcome of this change of zone, access should be provided to the adjacent property. Section 26.23.030 of the subdivision ordinance requires that "proper projection of streets from the subdivision into adjacent land" shall be made by the applicant. By not providing for a street to this lot, additional access points to the arterial streets would be too near to the intersection to meet standards. This could potentially impact the safety and traffic capacity of both arterial streets.

RECOMMENDATION:

Change of Zone

Approval from AG Agricultural to R-3 Residential

**CHANGE OF ZONE NO. 3272;
SPECIAL PERMIT NO. 1876;
and
PRELIMINARY PLAT NO. 00021,
HARTLAND HOMES EAST 1ST ADDITION**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 18, 2000

Members present: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer.

Planning staff recommendation: Approval of the change of zone; conditional approval of the preliminary plat, deferral of Special Permit No. 1313A, and conditional approval of Special Permit No. 1876.

Carlson moved to defer Special Permit No. 1313A, as requested by the staff, with continued public hearing and administrative action scheduled for November 1, 2000, seconded by Duvall and carried 9-0: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer voting 'yes'.

Proponents

1. Lyle Loth of ESP Engineers testified on behalf of **Hartland Homes, Inc.**, the developer.

Loth agreed with all conditions of approval, except #1.1.2 of the preliminary plat dealing with providing access to the 6.2 acre site at the southeast corner of the project. There is currently an application to change the zone on that site to B-2 which is pending at City Council. If this corner were to develop either commercially or as a multi-family project, this developer believes that the routing of the traffic generated by either one of those projects through a single family neighborhood would not be appropriate. The better access would be a right-in right-out intersection on either or both of 84th and Old Cheney Road. If that corner is developed commercially or as multi-family we would not provide access in either location. If it were developed as single family residential, this applicant is agreeable to providing that access. Therefore, Loth submitted proposed revision to Condition #1.1.2:

Provide a street connection to the property to the south to the satisfaction of the Planning and Public Works & Utilities Departments provided that the property to the south is developed as single-family residential. If the property is developed as commercial or multi-family, no street connection will be required.

Hunter wondered whether this developer would have to give up a lot if that corner turned out to be residential, with a cul-de-sac on one side. Loth advised that a tentative layout showed the street coming in from the north off of Wendall Way and that street would take one lot. The fact that we would be creating two corner lots would require us to lose a second lot. With single family it would be one street down the center with a cul-de-sac terminating at the south end.

If the corner that is not part of this application does not have access into this development, Schwinn wondered whether that corner will only be allowed a right-turn in right-turn out because of the proximity to 84th and Old Cheney. Steve Henrichsen of Planning staff stated that if there is no access from this subdivision, then the City would be required to provide access to that corner from 84th or from Old Cheney Road. Schwinn wondered about a break in the median there. Dennis Bartels of Public Works would not recommend any medians there. The functional plans have been approved for 84th and Old Cheney and there are no median locations shown. The commercial area only adds more traffic to both those streets and it would not be the city's recommendation to put an additional median opening there. That is why Public Works has recommended residential zoning on that corner.

Schwinn suggested that if the applicant's amendment is used, traffic would have to go back through the neighborhood to go left. Bartels agreed that to be his concern. You would end up using the neighborhood street so it is not a good situation without access.

The staff does not support the proposed amendment to Condition #1.1.2.

Public hearing was closed.

CHANGE OF ZONE NO. 3272

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 18, 2000

Duvall moved approval, seconded by Carlson and carried 9-0: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer voting 'yes'.

PRELIMINARY PLAT NO. 00021

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 18, 2000

Carlson moved to approve the Planning staff recommendation of conditional approval, seconded by Schwinn.

Duvall moved to amend to use the applicant's proposed amendment to Condition #1.1.2. Motion failed for lack of a second.

Motion for conditional approval as set forth in the staff report dated October 10, 2000, carried 9-0: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer voting 'yes'.

SPECIAL PERMIT NO. 1876

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 18, 2000

Schwinn moved to approve the Planning staff recommendation of conditional approval, seconded by Duvall.

Hunter had a concern about the applicant's letter which reserves the right to apply for other special permitted uses, i.e. clubs. Henrichsen explained that the applicant is merely listing the permitted

special uses of the R-3 district. Anyone has the right to apply for those uses in the R-3 district. The clubs referred to include something like the American Legion, Elks, etc.

Motion for conditional approval as set forth in the staff report dated October 5, 2000, carried 9-0: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer voting 'yes'.



**Change of Zone #3272
S. 84th St. & Old Cheney Rd.**



Sheet 5 of 5

Date: _____

Photograph Date: 1999 **009**

Lincoln City - Lancaster County Planning Dept.

RECEIPT NO. _____

CHANGE OF ZONE NO. 3272

FEE _____

REVISED LEGALNOV 27 2000
ADDRESS OR LOCATIONLINCOLN CITY LANCASTER COUNTY
PLANNING DEPARTMENT
PETITION TO AMEND THE ZONING ORDINANCEHONORABLE CITY COUNCIL
City of Lincoln, NebraskaLincoln, Nebraska October 12, 19 2000

The undersigned hereby petitions to amend the Zoning Ordinance of the City of Lincoln to change:

- ☐ 1. The zoning district map from AG to R-3
Lot 67, I.T. and a part of Lot 64, I.T. described as follows;
on property legally described as: beginning at the southwest corner of Lot 64 and extending
north 600.00' along the west line of Lot 64; thence east 3740' along the north line of the
South 600.00' of Lot 64; thence southeasterly to a point on the south line of Lot 64, said
point being 382.38' east of the southwest corner of Lot 64; thence west 382.38' along the
South line of Lot 64, the point of beginning, all in the SE 1/4 of Section 10, T. 9 N.,
R. 7 E. of the 6th P.M., Lancaster County, Nebraska.
_____ and as shown on the attached map.

- ☐ 2. L.M.C. Section (s) _____
with text to read as shown on the attached sheet(s).

This text amendment is proposed for the reasons listed on the attached sheet(s).

Petitioner Hartland Homes, Inc.
(Please Print)Petitioner's interest in property Subdivider

Petitioner's Signature _____ Telephone No. _____

Petitioner's Address _____

Contact Person Lyle L. Loth, ESP Telephone No. 484-5500

Contact Person's Address _____

- Note: Please designate one individual. All information and questions will be directed to this person.

RECORD OWNER & ADDRESS _____

Has the petitioner informed the record owner of this petition? ☒ Yes ☐ No

Date of Planning Commission Hearing _____

Initial Review of Petition by _____ (Planning Staff)

